

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
S. V. PINTO & SONS, INC.,)
)
Appellant,)
)
vs.)
)
PUGET SOUND AIR POLLUTION)
CONTROL AGENCY,)
)
Respondent.)

PCHB No. 423

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

THIS MATTER being an appeal of a \$50.00 civil penalty for an alleged
particulant emission violation of respondent's Regulation I; having come
on regularly for hearing before the Pollution Control Hearings Board on
the 27th day of December, 1973, at Seattle, Washington; and appellant
S. V. Pinto & Sons, Inc. not appearing and respondent Puget Sound Air
Pollution Control Agency appearing through its attorney, Keith D.
McGoffin; and Board members present at the hearing being Walt Woodward
and Mary Ellen McCaffree; and the Board having considered the sworn
testimony, exhibits, records and files herein and having entered on the

1 11th day of January, 1974, its proposed Findings of Fact, Conclusions
2 of Law and Order; and the Board having served said proposed Findings,
3 Conclusions and Order upon all parties herein by certified mail,
4 return receipt requested and twenty days having elapsed from said
5 service; and

6 The Board having received no exceptions to said proposed Findings,
7 Conclusions and Order; and the Board being fully advised in the premises;
8 now therefore,

9 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that said proposed
10 Findings of Fact, Conclusions of Law and Order, dated the 11th day of
11 January, 1974, and incorporated by this reference herein and attached
12 hereto as Exhibit A, are adopted and hereby entered as the Board's Final
13 Findings of Fact, Conclusions of Law and Order herein.

14 DONE at Lacey, Washington, this 13th day of February, 1974.

15 POLLUTION CONTROL HEARINGS BOARD

16 Walt Woodward
17 WALT WOODWARD, Chairman

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19 Mary Ellen McCaffree
20 MARY ELLEN McCAFFREE, Member

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27 FINAL FINDINGS of
FACT, CONCLUSIONS OF

LAW AND ORDER

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
S. V. PINTO & SONS, INC.,)
Appellant,)
vs.)
PUGET SOUND AIR POLLUTION)
CONTROL AGENCY,)
Respondent.)

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FINDINGS OF FACT,
CONCLUSIONS AND ORDER

This matter, the appeal of a \$50.00 civil penalty for an alleged particulant emission violation of respondent's Regulation I, came before the Pollution Control Hearings Board (Walt Woodward, presiding officer, and Mary Ellen McCaffree) at a formal hearing in the Washington Commerce Building, Seattle, Washington, at 11:00 a.m., December 27, 1973.

Appellant did not appear. Respondent appeared through Keith D. McGoffin. Louise Blakely, Seattle court reporter, recorded the proceedings.

After waiting one-half hour for appellant to appear, the Board

EXHIBIT A

1 heard sworn testimony and examined exhibits offered by respondent.

2 From these the Pollution Control Hearings Board makes these

3 FINDINGS OF FACT AND CONCLUSIONS

4 On June 15, 1973, from a construction site at Terry and Madison
5 Streets, Seattle, King County, appellant caused white particulants
6 from a fire proofing spray operation to fall on the real property
7 of others, in violation of Section 9.04 of respondent's Regulation I.
8 Notice of Civil Penalty No. 1033 for \$50.00, levied in connection
9 therewith, being one-fifth of the maximum allowable amount, was
10 reasonable.

11 Therefore, the Pollution Control Hearings Board issues this

12 ORDER

13 The appeal is denied and Notice of Civil Penalty No. 1033 in
14 the amount of \$50.00 is sustained.

15 DONE at Lacey, Washington this 11th day of January, 1974.

16 POLLUTION CONTROL HEARINGS BOARD

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18 Walt W. Woodward
19 WALT WOODWARD, Chairman

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21 Mary Ellen McCaffree
22 MARY ELLEN McCAFFREE, Member

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26 FINDINGS OF FACT,
27 CONCLUSIONS AND ORDER